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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

BLACKSTONE REALTY INVESTORS, LLC.,)	3:09-cv-00189-ECR-RAM
Plaintiff,)	MINUTES OF THE COURT
vs.)	DATE: September 29, 2010
MICHAEL B. STEWART, individually)	
and as Trustee of the Michael B.)	
Stewart Living Trust; HIGH ROCK)	
HOLDING, LLC, ORIENT FARMS, LLC)	
and DOES 1 through 60, inclusive,)	
Defendant.)	

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Deputy Clerk: COLLEEN LARSEN Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

Now pending before the Court are Defendants' motion for summary judgment (#68), and Plaintiff's motion for leave to file first amended complaint (#69).

Under the existing scheduling order (#64), Plaintiff's motion for leave to file first amended complaint (#69) is timely. Leave to amend should be freely given "when justice so requires." FED. R. Civ. P. 15(a)(2). If factors such as undue delay, bad faith, dilatory motive, undue prejudice or futility of amendment are present, leave to amend may properly be denied in the district court's discretion. Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1051-52 (9th Cir. 2003) (discussing Foman v. Davis, 371 U.S. 178, 182 (1962)).

Prejudice is the factor that carries the greatest weight in considering a motion to amend pleadings. Eminence Capital, 316 F.3d at 1052. Defendants are unable to make a showing of prejudice beyond additional litigation costs associated with the amendments.

this standard.

proposed amended complaint.

is **DENIED** as moot.

LANCE S. WILSON, CLERK

By /s/
Deputy Clerk